

00-6311.op

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 00-6311 CR HUCK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLARENCE LARK, et al.,

Defendant.

**ORDER ON MOTION TO STRIKE SURPLUSAGE**


This Cause is before the Court on Defendant Clarence Lark's Motion to Strike Surplusage, filed February 12, 2001. The Court having reviewed the Motion and the Response, and being otherwise fully advised, it is **ORDERED AND ADJUDGED** as follows:

1. As to General Allegations, ¶¶ 8 and 10, the Motion is **DENIED**, in that the Court finds that the allegations are relevant to the charged RICO conspiracy.
2. As to General Allegations, ¶ 9, the Motion is **GRANTED**, to the extent that the term "banishment" shall be **STRICKEN** and replaced with the term "exclusion."
3. As to Count 1, Manner and Means, ¶ 7, the Motion is **GRANTED**, and that paragraph is **STRICKEN** as superfluous. Allegations concerning extortion and bribery of union members are contained in other paragraphs of the indictment.
4. As to Count 1, Manner and Means, ¶ 9, the Motion is **DENIED**.
5. As to Count 1, Manner and Means, ¶¶ 11, 12, 13, 14 and 15, the Motion is **DENIED**.
6. As to Count 3, ¶ 6, and the allegation that Defendant McHorne has a prior felony drug conviction, the Motion is **DENIED** as moot, in that the allegation has already been stricken from the

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CLARENCE LARK  
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indictment by separate Order.

**DONE AND ORDERED** this 10<sup>th</sup> day of April, 2001 at Miami, Florida.



STEPHEN T. BROWN  
U.S. MAGISTRATE JUDGE

cc: Honorable Paul C. Huck  
Michael Dittoe, Esq. (AUSA)  
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